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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,408

11/30/2006

Leander Grode

2923-737

4545

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03/26/2010

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

1425 K STREET, N.W.

SUITE 800

WASHINGTON, DC 20005

EXAMINER

SWARTZ, RODNEY P

ART UNIT

PAPER NUMBER

1645

NOTIFICATION DATE

DELIVERY MODE

03/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

DETAILED ACTION

1. Applicants' Response to Office Action, received 16 February 2010, is acknowledged.

Claims 39, 40, 42, 43, 44 and 47 have been amended.

2. Claims 1-32 and 39-47 are pending and under consideration.

Rejections Maintained

3. The rejection of claims 39-47 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, is maintained.

Applicants argue that the amendment of the claims obviates the rejection.

The examiner has considered applicants' argument, in light of the amendments to the claims, but does not find it persuasive.

As newly amended, the claims recite that any polypeptide which elicits an immune response to said disease state results in treating said disease state. The art teaches that not all immune responses are effective in treating disease states, e.g., tuberculosis, parasites, HIV, tumors, mycobacterial infection, as evidenced by Kremer et al (*Infection and Immunity*, 68(7):4264-4273, July 2000), Guenounou (*Immuno-analyse et Biologie Specialisee*, 12(2):65-69, May 1997), Eun-Kyeong Jo et al (*Current Opinion in Infectious Diseases*, 16(3):205-210, 2003), Fujiwara et al (*PLoS Neglected Tropical Diseases*, 3(3):article 399, March 2009) and Zhong et al (*European Journal of Immunology*, 38(1):73081, January 2008). However, the specification does not provide sufficient support that all polypeptides which may elicit an immune response to a disease state will, as a consequence of such elicitation, result in treatment of said disease state.

Conclusion

4. Claims 39-47 remain rejected.

Art Unit: 1645

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00 AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, please contact the Examiner's Supervisor, Robert B. Mondesi (571)272-0956.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rodney P. Swartz, Ph.D./

Primary Examiner, Art Unit 1645

March 25, 2010